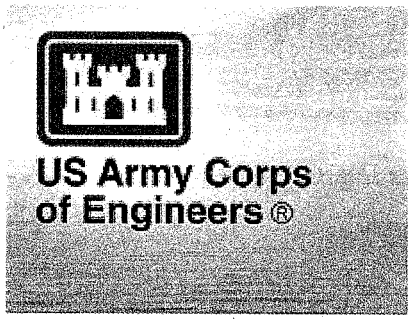

CORPS OF ENGINEERS
SEATTLE DISTRICT

DRUMMOND LEVEE REPAIR PROJECT, DRUMMOND, MONTANA

Environmental Assessment &
Finding of No Significant Impact

May 2012

Finding of No Significant Impact

PUBLIC LAW 84-99
DRUMMOND LEVEE REPAIR PROJECT
DRUMMOND, MONTANA

Project Summary

The U.S. Army Corps of Engineers, Seattle District (Corps), in cooperation with the project sponsor, the Town of Drummond, Montana propose to repair the Drummond levee. Repairs are intended to address damage to flood control works caused by flooding. The proposed levee repair is authorized by Public Law 84-99 (33 U.S. Code Section 701n). Corps rehabilitation and restoration work under this authority is limited to flood control works damaged or destroyed by floods. The statute authorizes rehabilitation to the level of protection exhibited by the flood control work prior to the damaging event. The local sponsor for this project is the Town of Drummond.

During the spring/summer 2011, a flood event on the Clark Fork, Burgman Slough (also known as Morris Creek) was subject to high flows for an extended period of time. Although there are no gages on the slough, the gages on the Clark Fork serve as an indicator of relative local conditions. Approximately 44 river miles upstream of the project area, USGS gages on the Clark Fork River at Deer Lodge, MT showed that the river reached flood stage (5 ft) on June 14, 2011 peaking at 5.01 ft. Approximately 56 river miles downstream of the project area, gages on the Clark Fork River above Missoula, MT (approximate river mile 361) indicated that the river reached flood stage (10 ft) three times: May 25 – May 28 (peak 10.92 ft), June 7 – June 17 (peaked at 12.6 ft on June 10), and June 24-25 (peak 10.2 ft).

Saturation of the Drummond levee, re-circulating flows in the slough, and the subsequent drop in flood stage resulted in sloughing and loss of levee embankment material in three locations: Station 11+50 to 12+00; 13+00 to 14+20; and 15+70 to 16+00. High flows also caused the transport of embankment material through the levee along the culvert located at Station 11+00, resulting in excessive settlement directly above this culvert. In the current damaged state, the levee provides a minimum of 2-year level of protection. Repairs will return the Drummond Levee to its pre-flood level of protection of a 10-year level of protection.

Purpose and Need

The purpose of the project is to restore adequate flood protection and meet environmental requirements within fiscal constraints. The need for the proposed project is to ensure the continued protection of public safety and property behind the levee.

Alternatives Considered

The Corps considered four alternatives to meet the project purpose and need. The alternatives included: repair in-kind (**Preferred**), construction of a new setback levee, relocating

all existing structures within the flood plain, and the no action alternative. Of the four alternatives considered, the preferred alternative is proposed because it can be reasonably implemented, meets the projects purpose and need, and is consistent with protection of the nation's environment for the reasons outlined in the Environmental Assessment.

Preferred Alternative

The preferred alternative is to repair in-kind. Repairs would consist of replacing scoured material at Sites 1 (30 linear ft) and 2 (120 Linear ft) with suitable embankment material and restoring to the pre-existing 2: 1 slope with dirt. Site 3 would be re-sloped with suitable embankment material and covered with a 12 inch blanket of 4" to 8" quarry spalls. The damage at site 3 is approximately 50 ft in length (station 11 +50 to 12+00), however the repair requires a transition zone of 25 ft on each end, resulting in a full repair length of 100 ft. Quarry spall will be placed over the 50 ft damage length to reduce the threat for future scour at this location. In addition, there is some scour/settlement at the culvert located at Station 11 +00 (30 linear ft). This scour will be addressed by placement of suitable embankment material, similar to that at sites 1 and 2. Brief in-water work would be required. Materials for the repair would come from existing quarries. All disturbed areas would be hydro seeded with native, non-invasive grasses upon completion. Best Management Practices, such as minimizing ground disturbance, washing off-road equipment prior to entering construction sites, hydro seeding, mulching, and fertilizing of disturbed areas to reduce weed establishment and prevent erosion will be implemented.

Summary of Environmental Impacts

The immediate area within the proposed project site will be temporarily disturbed by construction activity. The potential adverse effects associated with the proposed project are short term/minor and associated with project construction in a localized area.

The preferred alternative will not result in any effects to threatened or endangered species, or to their designated critical habitat. No properties listed, proposed for listing, eligible for listing, or potentially eligible for listing in the National Register of Historic Places will be impacted.

Coordination

The proposed work was coordinated throughout the planning and design phases with the following agencies:

(1) U.S. Fish and Wildlife Service;
(2) Environmental Protection Agency;
(3) Montana Department ofFish, Wildlife, and Parks;
(4) Montana Department of Environmental Quality;
(5) Montana State Historic Preservation Office.
(6) Affected Tribes

All recommendations were considered and implemented as appropriate. The design was coordinated with and reviewed by the above listed agencies. In accordance with ER 200-2-2, Procedures for Implementing NEP A, paragraph 8, Emergency Actions, environmental effects of the proposed levee rehabilitation were considered during the planning process. An environmental assessment (EA) was prepared to evaluate probable impacts of the project on the existing environment. The EA was coordinated with applicable Federal, and State resource agencies, and affected Tribes.

Conclusion

After evaluating the anticipated environmental, economic, and social effects of the proposed activity, it is my determination that construction of the proposed project does not constitute a major Federal action that would significantly affect the quality of the human environment. The proposed action has been coordinated with the appropriate resource agencies, and there are no significant issues. Therefore, preparation of an Environmental Impact Statement is not required.

20 JUN 2012
Date

Bruce A. Estok
Colonel, Corps of Engineers
District Commander

EXECUTIVE SUMMARY

The U.S. Army Corps of Engineers, Seattle District (Corps), in cooperation with the project sponsor, the Town of Drummond, Montana proposes to repair the Drummond levee. Repairs are intended to address damage to flood control works caused by flooding. The proposed levee repair is authorized by Public Law 84-99 (33 U.S. Code Section 701n). Corps rehabilitation and restoration work under this authority is limited to flood control works damaged or destroyed by floods. The statute authorizes rehabilitation to the level of protection exhibited by the flood control work prior to the damaging event. The local sponsor for this project is the Town of Drummond.

The preferred alternative was selected due to its cost effectiveness and low environmental impacts. The potential adverse effects associated with the proposed project are minor, short term and associated with project construction in a very localized area. This non-Federal flood control project is located on the left bank of Morris Creek near the Town of Drummond, Granite County, Montana. The levee is approximately 2,500 ft in length and functions to protect residences and agricultural property in the Town of Drummond. The preferred alternative consists of a repair in-kind of approximately 280 linear feet of the levee. Repairs would re-establish the levee prism, re-grade the riverward slope along the damaged length, replace a damaged culvert as needed and place 50 linear ft of 4" to 8" quarry spalls to a vulnerable portion of the levee slope. Repairs will return the Drummond Levee to its pre-flood level of protection. All work will occur in the previous horizontal and vertical construction limits. Brief in-water work would be required. Materials for the repair would come from existing quarries. All disturbed areas would be hydro seeded with native grasses upon completion. This rehabilitation would restore the area to the level of protection exhibited by the flood control work prior to the damaging event. The proposed levee repair is the Town of Drummond, Granite County, Montana.

Coordination

The proposed work was coordinated throughout the planning, design, and construction phases with the following agencies:

(1) U.S. Fish and Wildlife Service;
(2) Environmental Protection Agency;
(3) Montana Department of Fish, Wildlife, and Parks;
(4) Montana Department of Environmental Quality;
(5) Montana State Historic Preservation Office.
(6) Affected Tribes

All recommendations were considered and implemented as appropriate.

Additional information concerning this project may be obtained from Mr. Kevin McKeag, PL-PM-ER U.S. Army Corps of Engineers, Seattle District by email at Kevin.j.mckeag@usace.army.mil, or by telephone at (206) 764-3576.

ENVIRONMENTAL ASSESSMENT
&
FINDING OF NO SIGNIFICANT IMPACT

PUBLIC LAW 84-99
DRUMMOND LEVEE REAPAIR PROJECT
DRUMMOND, MONTANA

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PUBLIC LAW 84-99
DRUMMOND LEVEE REPAIR PROJECT
DRUMMOND, MONTANA

Section 1: INTRODUCTION

The U.S. Army Corps of Engineers (Corps), in cooperation with the project sponsor, the Town of Drummond, Montana propose to repair the Drummond levee. Repairs are intended to address damage to flood control works caused by flooding, specifically repair of the flood damaged sections of the Drummond Levee, Drummond, Montana.

This Environmental Assessment (EA) is being prepared pursuant to Sec. 102(c) of the National Environmental Policy Act (NEPA), and Corps Engineer Regulation ER 200-2, *Procedures for Implementing NEPA*. This EA provides information on the environmental impacts of the proposed action, and addresses comments received during the public interest review.

Section 2: AUTHORITY

The proposed levee repair is authorized by Public Law 84-99 (33 U.S. Code Section 701n). Corps rehabilitation and restoration work under this authority is limited to flood control works damaged or destroyed by floods. The statute authorizes rehabilitation to the level of protection exhibited by the flood control work prior to the damaging event. The levee proposed to be repaired was not built by and is not maintained by the Corps. The local sponsor for this project is the Town of Drummond, which requested Corps assistance in the levee repairs following the 2011 flood event.

Section 3: PROJECT LOCATION

The proposed levee repair project is located on the left bank of Burgman Slough (also known as Morris Creek) near the Town of Drummond, Granite County, Montana, approximately 42 miles east of Missoula (Appendix 1). The Drummond Levee is located in Sections 31 and 32, Township 11 North, Range 12 West. The levee is approximately 2,500 ft in length and functions to protect residences and agricultural property in the Town of Drummond.

Section 4: EXISTING CONDITIONS

The exiting Drummond levee is approximately 2,500 feet long, and approximately 5-7 ft tall with a crown width of approximately 10 ft. The levee is composed of local borrow material consisting of sands and river gravels. This non-Federal rural levee was constructed to provide flood control protection from periodic recurring flooding from Burgman Slough, a tributary of the Clark Fork River near the Town of Drummond, Montana. The levee protects residential and agricultural property between the Clark Fork River and the town of Drummond. Burgman Slough is a fairly low gradient watercourse, capable of carrying small quantities of fine sediment under flood conditions throughout this reach. The channel bed is characterized by low sand bar development activity and well-preserved channel banks. The slough is bounded by the project levee on the left bank and a raised railroad on the right bank. Neither bank is armored. The levee is dominated by grasses with scattered bushes. The protected area includes several residences as well as fields and pastures with animal access to the slough. The upstream end of the levee commences at an abandoned railroad grade where a 36 inch un-gated culvert through the railroad grade drains the slough into the Clark Fork River. The culvert is perched above the Clark Fork River. The levee follows the left bank of Burgman Slough as far as the county road bridge over the slough, where the levee ends and ties into the road. There are several flood gates established across the slough to allow the landowners to back up water to flow through raised culverts in the levee in order to irrigate fields. Two 18 inch culverts, one at about station 3+50 and one at station 11+00 permit water to irrigate the protected area behind the levee.

The levee and the Town of Drummond are within the operable unit of the Clark Fork River/Milltown Reservoir (CFR) Superfund Site that is contaminated with mine tailings. The CFR Site is a 120-mile stretch of river that runs from Warm Springs, Montana, to Missoula, Montana that is contaminated with mine wastes from upstream Butte and Anaconda sources. In 2004, EPA selected a final remedy for the CFR Site that calls for careful removal of contaminated tailings from slickens areas (areas devoid of vegetation because of contaminants), treatment in place of impacted areas, stream bank reconstruction, land management planning, and institutional controls. Contaminants of concern include arsenic, cadmium, copper, lead, and zinc.

Section 5: PURPOSE AND NEED FOR ACTION

The purpose of the project is to restore adequate flood protection and meet environmental requirements within fiscal constraints. The need for the proposed project is to ensure the continued protection of public safety and property behind the levee.

During the spring/summer 2011, a flood event on the Clark Fork, Burgman Slough (also known as Morris Creek) was subject to high flows for an extended period of time. Although there are no gages on the slough, the gages on the Clark Fork serve as an indicator of relative local conditions. Approximately 44 river miles upstream of the project area, USGS gage number 12324200 on the Clark Fork River at Deer Lodge, MT (approximate river mile 461) showed that the river reached flood stage (5 ft) on June 14, 2011 peaking at 5.01 ft. Approximately 56 river miles downstream of the project area, USGS gage 12340500 on the Clark Fork River above Missoula MT (approximate river mile 361) indicated that the river reached flood stage (10 ft)

three times during spring runoff: May 25 – May 28 (peak 10.92 ft), June 7 – June 17 (peaked at 12.6 ft on June 10), and June 24-25 (peak 10.2 ft).

Saturation of the Drummond levee, re-circulating flows in the slough, and subsequent drop in flood stage resulted in sloughing and loss of levee embankment material in three locations: Station 11+50 to 12+00; 13+00 to 14+20; and 15+70 to 16+00. High flows also caused scour / settlement directly above and around the culvert at station 11+00. Prior to the 2011 flood, the levee was assessed to provide protection from the 10-year flood event; however in the current damaged state, the levee provides a minimum of 2-year level of protection. The purpose of the proposed project is to restore the Drummond Levee to its pre-flood level of protection (10 year protection) in order to ensure public safety and protection of property behind the levee.

Section 6: ALTERNATIVES CONSIDERED BUT NOT ELIMINATED FROM DETAILED ANALYSIS

Alternatives considered under NEPA must include the proposed action (Preferred Alternative), and the no-action alternative. A reasonable range of alternatives that meet the project purpose and need must also be considered under NEPA.

Multiple alternatives were considered including the No-Action Alternative, a Setback Alternative, a Non-Structural Alternative and the Repair to Pre-flood Condition Alternative (the preferred Alternative). In order for any alternative to be acceptable for consideration it must meet the purpose and need for action. The alternative must provide for a level of flood protection equivalent to the level of protection that pre-existed the flood event. Also, pursuant to Corps planning guidance, the selective alternative must be economically justified, it should be environmentally acceptable, and it should minimize costs for both the non-Federal Sponsor and the Federal government to the extent possible.

"No Action" Alternative

Under the "No Action" Alternative no levee repairs would be completed, and no new levees would be constructed. The damaged levee would remain and there would be a high likelihood of failure of the levee with the occurrence of a 2-year flood event. The results of a failure would include damages to existing residences and agricultural property. The frequency of failure would increase, as the pre-existing levee provided flood protection for a 10-year event. As such the "No Action" alternative would not provide for a level of flood protection equivalent to the level of protection that pre-existed the flood event. For these reasons, the No Action Alternative would not meet the project's purpose and need. The No Action Alternative is being evaluated because it serves as the basis of comparison of the alternative carried forward for detailed analysis.

Construction of a New Setback Levee Alternative

This alternative removes all or part of the existing levee and builds a new levee landward of the existing location. This alternative maintains the previous level of flood protection but increases floodplain access for the slough. This alternative would meet the purpose of providing

adequate flood protection, but also represents a requirement for acquisition of additional real estate, and an increased construction effort and associated expenses. Due to the costs this alternative was not considered reasonable to carry forward for detailed analysis.

Non-Structural Alternative

This alternative would include no repairs to the damaged levee and would instead relocate all existing structures, utilities and infrastructure protected by the levee beyond the flood inundation zone. This alternative would meet the purpose of providing adequate flood protection, but also represents greatly increased expense. Due to the high costs and issues involved with relocating all the residences and replacing the agricultural property this alternative was not selected, and thus, was removed from further consideration in this Environmental Assessment.

Section 7: PREFERRED ALTERNATIVE

The preferred alternative is to repair in-kind (Table 1). Repairs would consist of replacing scoured material at Sites 1 and 2 with suitable embankment material and restoring to the pre-existing 2:1 slope with dirt. Site 3 would be re-sloped with suitable embankment material and covered with a 12 inch blanket of quarry spalls. The damage at site 3 is approximately 50 ft in length (station 11+50 to 12+00), however the repair requires a transition zone of 25 ft on each end, resulting in a full repair length of 100 ft. Quarry spall will be placed over the 50 ft damage length to reduce the threat for future scour at this location. The culvert located at Station 11+00 is assumed to require replacement and will be investigated in more detail. Brief in-water work would be required. Construction activities are planned for mid-late August and are expected to last about one week. Materials for the repair would come from existing quarries. All disturbed areas would be hydro seeded with native, non-invasive, grasses upon completion.

Table 1. Drummond Levee planned repairs by site number.

Site	Length	Station	Damage	Proposed Repair
Site 1	30 ft	15+70 to 16+00	Sloughed embankment	in kind repair (earthen levee)
Site 2	120 ft	13+00 to 14+20	Sloughed embankment	in kind repair (earthen levee)
Site 3	100 ft	11+00 to 12+00	Toe and bank scour	Maintain footprint, but armor the bank
Site 4	30 ft	11+00	Scour around Culvert	in kind repair (earthen levee)
Total	**280 ft**			

Section 8: AFFECTED ENVIRONMENT

The project site is within the town of Drummond, at the foot of the Granite Mountain Range at elevation 3,950 ft. The area is rural/semi-urban and agricultural. The area contains mostly

scrub vegetation and few trees. Urban wildlife species are common in the area as are grazing, domesticated livestock. Burgman Slough is a low gradient stream that primarily serves as an agricultural irrigation source. The levee section is less than 0.5 mile long and the repair sections total approximately 280 ft. The project site encompasses the levee and the immediate areas surrounding the levee to include Burgman Slough upstream and downstream of the project out to 0.5 miles.

A wide variety of resources along with the related environmental, economic and social effects were considered during the development and evaluation of project alternatives. These include: noise levels; air quality; water quality; vegetation; fish and wildlife; wetlands; prime and unique farm lands, geological resources; growth patterns; archaeological and historical resources; aesthetics; health and safety; hazardous waste clean-up, and environmental justice.

Section 9: ENVIRONMENTAL CONSEQUENCES

Primary resources of concern identified during the evaluation included: noise levels, air quality, water quality, threatened and endangered species, wetlands, archeological and historical resources, and hazardous waste clean-up. The proposed project is not expected to affect any other resources.

Noise levels

This resource is institutionally important because of the Noise Control Act of 1972. The act establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. A sound-level meter is used to measure noise and the outputs are "decibels." For instance, a diesel truck at 50 feet produces a sound level of 85 decibels, a gas lawn mower at 3 ft produces a sound level of 95 decibels and normal speech at three feet is 65 decibels.

Preferred Alternative

The preferred alternative would result in minor and localized short term construction-related noise impacts. These impacts would result from the operation of heavy machinery during project construction. These noise levels would be in addition, but similar, to those produced in any urban setting. Numerous residences, businesses, park areas or other areas sensitive to increased noise levels were identified in the project area. There is a chance that the noise from project construction could disturb persons participating in outdoor recreation on lands adjacent to the project area. Construction activities would be conducted during normal business hours and, therefore, would not be considered significant.

No Action

Under the "No Action" alternative no new construction or vehicular traffic noise would be generated.

Air Quality

This resource is considered institutionally important because of the Clean Air Act (CAA) of 1963, as amended. Air quality is technically important because of the status of regional ambient air quality in relation to the National Ambient Air Quality Standards (NAAQS). It is publicly important because of the desire for clean air expressed by virtually all citizens.

In accordance with the CAA, the U.S. Environmental Protection Agency set National Ambient Air Quality Standards for pollutants considered harmful to the environment and public health. The six principal pollutants, also known as "criteria" pollutants, are: ozone, lead, particulate matter, carbon monoxide, nitrogen dioxide, and sulfur dioxide. The proposed project is located in an attainment county for all six principal pollutants, meaning that all national ambient air quality standards are currently met.

Preferred Alternative

The recommended plan would result in minor short term construction related contributions to Particulate Matter-10 micrometers in size (PM_{10}). PM_{10} includes dust, dirt, soot, smoke and liquid droplets directly emitted into the air by sources such as factories, power plants, cars, construction activity, fires and natural windblown dust. Particles formed in the atmosphere by condensation or the transformation of emitted gases such as SO_2 and Volatile Organic Compounds are considered particulate matter. PM exposure can affect breathing, aggravate existing respiratory and cardiovascular disease, alter the body's defense systems against foreign materials, and damage lung tissue, contributing to cancer and premature death. Individuals with chronic obstructive pulmonary or cardiovascular disease, asthmatics, the elderly and children are most sensitive to the effects of PM.

PM_{10} contributions from the proposed project would result from the operation of heavy machinery (one excavator and one dump truck), increases in dust in the project area during construction operations, and wind-blown particles stemming from stock-piled construction materials. This increase in PM_{10} levels would be in addition to that produced in the project area. Techniques to minimize PM_{10} particles would be employed during construction activities. These techniques would include, but would not be limited to, wetting the construction area as needed to minimize dust, avoiding idling of construction machinery when not performing needed tasks, and covering or mulching staging areas during or immediately following construction activities. With these measures, the temporary construction related impacts to air quality are not expected to be significant.

No Action

The "No Action" alternative would not adversely affect air quality in the project area.

Water Quality

This resource is institutionally important because of the Federal Water Pollution Control Act Amendments of 1972 (Clean Water Act). The objective of this act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters by preventing point and non-point pollution sources, providing assistance to publicly owned treatment works for the

improvement of wastewater treatment, and maintaining the integrity of wetlands. Water quality is technically important because of the need for a reliable drinking water supply, for swimming and recreating, for fish and shellfish consumption, for adequate agricultural supply, and for habitat for fish and wildlife. It is publicly important because of the desire for clean water expressed by virtually all citizens.

Surface Water

According to EPA's *Ecological Risk Assessment*, (EPA 2004) historic impacts of mine waste on the Clark Fork River were severe. The report indicates "essentially no fish existed in the upper Clark Fork River dating from the late 1800s into the 1950s." Fish populations began to re-establish to some degree after construction of the third Warm Springs sediment pond in 1959, and a new water treatment system for mine water discharge was installed in Butte between 1972 and 1975 that resulted in improved water quality. Documented fish kills, however, continued as late as 1991 and State studies show a significantly reduced trout population.

Today, surface water from the Clark Fork River is used mainly for irrigation, with numerous withdrawal points along the river. Most of this water is used for production of hay for livestock. The river is also used for recreational purposes, with numerous points of public access for fishing, camping, and general public recreation. Surface water uses are not expected to change significantly. The State of Montana has classified the uses for the Clark Fork River as drinking water, culinary, agricultural, and fishery propagation.

Burgman Slough is a tributary to the Clark Fork River that enters the Clark Fork River near Drummond. The majority of the slough and immediate project area are heavily used for agricultural irrigation and livestock grazing. Livestock have unhindered access to the slough.

Preferred Alternative

The recommended plan could have minor, temporary, construction related adverse impacts to water quality in the form of elevated turbidity levels resulting from site runoff. The potential impacts associated with the preferred alternative would be avoided and/or minimized to the greatest extent possible through the implementation of Best Management Practices. Best management practices would minimize any incidental fallback of material into area surface waters during construction and would minimize the introduction of fuel, petroleum products, or other deleterious material from entering into waterways. Such practices and measures would include, but not be limited to, the use of erosion control fences; storing equipment, solid waste, and petroleum products above the ordinary high water mark and away from areas prone to runoff; and requiring that all equipment be clean and free of leaks. To prevent fill from reaching water sources by wind or runoff, fill would be covered, stabilized or mulched, and silt fences used as required. All appropriate measures would be taken to minimize erosion and elevated turbidity levels during and after construction. In the long term, with construction of the Preferred Alternative, repair of the damaged and exposed areas of the levee would greatly reduce long term erosion and elevated turbidity levels in Bergman Slough, which would greatly benefit water quality. As such, the impacts to surface water from construction of the proposed project would not be considered significant.

No Action The "No Action" alternative would likely lead to elevated erosion and associated elevated turbidity levels as the damaged and exposed sections of the levee would be continually subject to damaging wind and water action.

Threatened and Endangered Species

These resources are institutionally important because of the Endangered Species Act of 1973, as amended. Endangered or threatened species are technically important because the status of such species provides an indication of the overall health of an ecosystem. These species are publicly important because of the desire ofthe public to protect them and their habitats.

According to the U.S Fish and Wildlife Service, Granite County contains two Federally listed species: Canada lynx *(Lynx canadensis),* and bull trout *(Salvelinus confluentus).* Critical habitat has been designated for both species. The project site is not located within designated critical habitat for Canada lynx (USFWS 2009). The project site is not located within designated critical habitat for bull trout (USFWS 2010).

According to the Montana Department of Fish, Wildlife, and Parks (MFWP) Montana supports the healthiest lynx population in the lower 48 states. Canada Lynx west of the Continental Divide generally occur in subalpine forests at elevations between 1,220 and 2,150 meters. Canada Lynx avoid large open areas but do hunt in open spaces adjacent to forests. The project area is at approximately 1,200 meters elevation but is surrounded largely by semi-urban areas and open fields. While no Canada lynx sightings in Drummond are known, sightings have occurred in Granite County within the past 5 years, primarily at higher elevations.

Bull trout and designated critical habitat are known to occur in the Clark Fork River drainage basin. However, Burgman Slough is specifically not listed as a bull trout core area within the Clark Fork River basin and it does not contain any listed critical habitat (MBTRT 2000). According to the Bull Trout Restoration Plan (Montana Department of Fish, Wildlife, and Parks) spawning in the Clark Fork River takes place between late August and early November, principally in third and fourth order streams (MBTRT 2000). Livestock grazing and utilization of the slough likely impacts bank stabilization and direct use of the slough waters by livestock can negatively impact water quality. There is little cover in the project reach and summer water temperatures are likely to be too high to support bull trout (MFWP Personal communication).

Preferred Alternative

The project is located in the Town of Drummond in a developed agricultural area. Canada lynx have not been identified in the area and would not be expected due to the extensive human activity and agricultural activity routinely conducted in the area. The levee and immediate project area do not include Canada lynx critical habitat.

The preferred alternative involves only minor in-water construction activities. Specifically, in-water work is limited to the physical limits of the previous levee footprint and

levee toe replacement on an as needed basis. The total area of the repair sites along the length of the levee is approximately 280 feet of levee toe. This represents a very minor percentage of the slough. Earth disturbing construction activities are expected to be completed in mid-late August, and prior to bull trout spawning season. In water work could elevate turbidity temporarily in the immediate area of the repair work. Turbidity impacts would be greatly minimized by the timing (mid-late August), and short duration of the required work. The low velocity nature ofthe slough would limit any turbidity impacts to just the immediate area of the slough. Bull trout have not been identified in Burgman Slough and are not expected in the immediate project area due to the slough being much warmer than typically tolerated by bull trout. The slough has no designated critical habitat. Due to the minimal turbidity impacts of the project and the lack of documented bull trout habitat and presence, as well as, the lack of Canada lynx habitat and presence the project would have no effect on Federally-listed species or critical habitat.

No Action

The "No Action" alternative would not involve any construction activities and would have no adverse effects on Federally-listed species.

Wetlands

These resources are institutionally important because of the Clean Water Act of 1977, as amended and Executive Order 11990 of 1977 (Protection of Wetlands). Wetlands and riparian areas are important because they provide habitat for various species of plants, fish, and wildlife, serve as ground water recharge areas, provide storage areas for storm and flood waters, serve as natural water filtration areas, provide protection from wave action, erosion, and storm damage, and provide various consumptive and non-consumptive recreational opportunities. Wetlands and riparian areas are publicly important because of the high value the public places on the functions and values that these habitats provide.

Wetlands exist both within the slough channel and behind the levee. A wetland assessment and functional review was completed on 12 April 2012 for the proposed levee rehabilitation project. The area is adjacent to an irrigation ditch used to convey water from the Clark Fork River. The wetland is a highly disturbed riverine wetland associated with the irrigation ditch. Wetlands are present on an elevated bench adjacent to the ditch. Wetlands appeared to be present in small patches on both sides of the creek channel. At the time of the site visit the majority of soils sampled were saturated to the surface. Wetland hydrology is presumed to be provided by irrigation water in the ditch.

The wetland is comprised of a highly degraded herbaceous plant community. Sporadic cattails, sedges, and tules were observed, but could not be identified to species because the area is actively grazed by horses and cattle. Wetland soils were examined at several locations. While there was some evidence of extended periods of saturation when reducing conditions were achieved, the redoximorphic features observed were weakly expressed. Few, faint iron concentrations without depletions were noted in the soil, indicating marginal periods of saturation. There was also some evidence of accumulation

Primary wetland function identified is water quality improvement because of landscape position. However, the on-going livestock grazing prevents the development of dense herbaceous vegetation. Flood storage potential is not relevant because water is controlled by an inlet gate at the river. While poorly expressed wetland features are present, this area provides a very low level of wetland function.

Preferred Alternative

The proposed project is designed to limit wetland impacts, and to avoid wetlands to the maximum extent, as most of these habitats are outside of the of the immediate project area. No jurisdictional wetlands are present along the riverward toe, face, or top of the respective levees, and no wetlands will thus be impacted as a result of this project. The repair work would occur only within the previous footprint of the pre-existing levee. Construction access and staging areas will be along the existing levee or in upland areas, away from any wetlands. Care would be taken to avoid impacting wetland areas through inadvertent drainage and seepage. Precautions would be taken to restore the natural basin contours during construction activities, as needed and disturbed areas would be sufficiently compacted to prevent drainage. With these precautions in place, there would be no impacts to wetlands.

No Action

The "No Action" Alternative would not have any construction of earth moving and would result in no impacts to wetlands.

Cultural Resources

These resources are considered institutionally important because of the National Historic Preservation Act of 1966, as amended, and the Archaeological Resources Protection Act of 1979. Cultural resources are technically important because they are irreplaceable parts of the common heritage of humanity; preserve our invaluable heritage for the benefit of the future generations, and provide a greater understanding of our past. They are publicly important because they belong to all citizens and enhance our shared sense of humanity that enriches our existence.

Preferred Alternative

The Corps has determined that the Preferred Alternative is an undertaking of the type that could affect historic properties and must comply with the requirements of Section 106, as amended through 2004, of the National Historic Preservation Act of 1966, ad amended through 2000 (NHPA) (16 USC 470). Section 106 requires that Federal agencies identify and assess the effects of Federal undertakings on historic properties and to consult with others to find acceptable ways to resolve adverse effects. Properties protected under Section 106 are those that are listed or are eligible for listing in the National Register of Historic Places (NRHP). Eligible properties must generally be at least 50 years old, possess integrity of physical characteristics, and meet at least one of four criteria for significance. Regulations implementing Section 106 (36 CFR Part 800) encourage maximum coordination with the environmental review process required by the National Environmental Policy Act (NEPA) and with other statures.

The project involves earth moving activities. Internal Corps documentation indicates that 1,900 linear ft of the Drummond Levee was repaired in 1976. There is no record of when the levee was originally constructed.

In December, 2011 the Corps submitted a records search request and corresponded with the Montana State Historic Preservation Office (MSHPO). The MSHPO stated that there was a low likelihood that cultural properties would be impacted and that a cultural resource inventory was unwarranted at that time. The Corps concurred with the opinion of the MSHPO and on April 6th, 2012 sent a letter to the MSHPO describing the project. The Corps determined that due to the project occurring within the previous horizontal and vertical construction limits of the existing Drummond Levee that No Historic Properties will be affected by the Drummond Levee repair work. The MSHPO concurred on 9 April, 2012. In addition, letters were sent to the Confederated Salish and Kootenai Tribe (CSKT), the Nez Perce Tribe and the Blackfeet Tribe. The CSKT responded on 16 April, 2012 requesting to be informed of any new information that may arise during the course of this project (Appendix III).

In the unlikely event that archeological material is discovered during project construction, work in the area of discovery would cease, the discovery would be investigated by a qualified archeologist, and the find would be coordinated with MSHPO and area Tribes.

No Action

The "No Action" Alternative would not involve construction or earth moving activities, and would result in no effects to archaeological or historical resources.

Hazardous Waste Clean-up

The proposed project is located within the Clark Fork River Operable Unit Superfund Site in the area referred to as Drummond Valley or Reach "B." The reach extends from immediately upstream of Garrison, where the Little Blackfoot River enters the Clark Fork, to downstream of Drummond at river mile 76, for a total of 31 river miles. At the starting point for this reach, the addition of water from the Little Blackfoot River may, under certain flow conditions, nearly double the Clark Fork's flow. The floodplain is narrower and the gradient higher than the other reaches, and exposed tailings are far less extensive (EPA 2004). The Milltown site contains heavy metal contamination from the historic mining, milling and smelting process linked primarily to the Anaconda Copper Company operations in Butte and Anaconda. A clean-up remedy was chosen for the site and published in the EPA's Record of Decision (ROD) document which is available online at: http://www.epa.gov/region8/superfund/mt/milltowncfr/cfr. The full administrative record can be reviewed at EPA's Records Center in Helena, Montana as well as several area public libraries. A fate and transport study during the remedial investigation indicated that 60% of the copper contamination in the Clark Fork River was due to stream bank erosion. Copper was chosen because it is representative of mining and smelting wastes and is highly toxic to both aquatic and terrestrial receptors (EPA 2004). The EPA/MDEQ ROD remedy includes Best Management Practices (BMPs) to ensure land use practices are compatible with long-term protection of the cleanup, as well as implementation of Institutional Controls

(ICs). Another part of the remedy of note states that stream banks will be stabilized primarily by "soft" engineering (with limited hard engineering where conditions warrant) for areas classified as unacceptably eroding stream banks. This approach would lessen the high rate of erosion and contaminant input from stream banks, prevent or reduce the uncontrolled release of contaminants, and partially address potential stream braiding as a result of overbank flows. Stream stabilization techniques are further described in the ROD (EPA 2004).

The 2004 ROD for the Milltown site noted that exposure to contaminants can occur through a number of ways including exposure to surface water, ground water, streambed sediments, historically irrigated fields, and air resources. The town of Drummond is within the area assessed in the ROD. A mine tailing site is located directly east of the levee, however there are no slickens (areas devoid of vegetation due to concentration of contaminants) in the area of the levee construction.

Preferred Alternative

Ground disturbing activities and excavation would be kept to a minimum. There will be no digging below ground surface, the staging area will not be located within the tailing area, and material for the levee will be coming off site from a licensed contractor. The addition of new, clean soil should tend to reduce erosion and further stabilize any latent, buried contamination. The March 2012 HTRW Environmental Review prepared by the Corps finds that construction workers should not be in risk of over exposure of contaminants of concern (Corps 2012). Levee repair as described by the preferred alternative is consistent with the EPA recommendation for stream bank stabilization. Due to avoidance of the tailings and avoidance of digging, impacts relating to hazardous contaminants will be avoided.

No Action

The "No Action" Alternative would result in no new excavation or soil movement, however erosion would continue at the site, potentially allowing movement of any contamination that may be present.

Section 10: COORDINATION

The proposed work was has been coordinated throughout the planning, and design phases with the following agencies:

(1) U.S. Fish and Wildlife Service;
(2) Environmental Protection Agency;
(3) Montana Department of Fish, Wildlife, and Parks;
(4) Montana Department of Environmental Quality;
(5) Montana State Historic Preservation Office.
(6) Affected Tribes (see Section 9 Cultural Resources)

Relevant correspondence and Corps responses are located in Appendix III.

Section 11: CUMULATIVE IMPACTS

The combined incremental effects of human activity are referred to as cumulative impacts (40CFR 1508.7). While these incremental effects may be insignificant on their own, accumulated over time and from various sources, they can result in serious degradation to the environment. The cumulative impact analysis must consider the impacts of past, present, and reasonably foreseeable actions including consideration of actions by other persons and other State and Federal agencies. The following assessment of cumulative impacts includes the project area, and areas immediately surrounding the project area.

Historically, the principal economic activities in the region were mining, logging, sawmills, and farming. Sawmill activity flourished up until World War II, while mining activities were central to the area's economy until the 1950's. The area's mines produced galena ore, the source of lead, silver, and zinc. Hazardous waste was generated from these activities and those impacts continue to accrue. These activities have substantially affected area vegetative resources throughout western Montana and likely have diminished aquatic life in area rivers and streams. Specific to the project area, water quality and soil quality may be degraded due to the accumulation of runoff from mine tailings and contaminated soils from the Clark Fork River into the Drummond slough. Mining activities continue in the area, although practices have changed such that extensive continued pollution has been curtailed.

Presently, the land surrounding the slough is in light agricultural use, and this use is not expected to change in the foreseeable future. Agricultural activities within the area would likely continue with or without the proposed levee repair. There are no known proposals for development or land use changes in the vicinity of the project area.

Current activities on lands surrounding the project area include minor ranching activities and commercial timber harvest activities on private and federally owned lands. Resources typically affected by these types of projects generally include, but are not limited to, wetlands, forests, flood plain values, water quality, and fish and wildlife habitat. It is expected that these activities have a minimal contribution to the resources directly within the project area, but may have a slight impact to resources surrounding the project area.

Reasonably foreseeable future projects and associated impacts include further urbanization and agricultural development. This continued trend will have a continued impact on the previously mentioned resources, specifically on impacts to water quality within the project area or immediately downstream in the Clark Fork River. The possibility of wetland conversion and the clearing of riparian habitat for agriculture are ever present, and these activities tend to further impact valuable resources.

Given that effects associated with the proposed project are minor and temporary in duration, the proposed project will not result in significant cumulative impacts on the project area or on areas immediately surrounding the project area.

Section 12: MITIGATION MEASURES

As impacts will be minimal, no mitigation is warranted or recommended.

Section 13: COMPLIANCE WITH ENVIRONMENTAL QUALITY STATUTES

Compliance with designated Environmental Quality Statutes that have not been specifically addressed earlier in this report are covered in Appendix II.

Section 14: CONCLUSION & RECOMMENDATION

Based on the analysis of the proposed alternative, it is concluded that the preferred alternative would best satisfy the projects purpose and need, and would result in the least amount of environmental impacts. The preferred alternative would not result in any adverse impacts to threatened or endangered species. The Montana Department of Fish, Wildlife and Parks do not anticipate any significant adverse impacts to fish, wildlife or habitat (Appendix III). The recommended plan would not affect any properties listed, proposed for listing, eligible for listing, or potentially eligible for listing in the National Register of Historic Places. The Montana State Historic Preservation Officer has concurred with this assessment, and the project has been coordinated with The Confederated Salish and Kootenai Tribes for impacts to cultural resources (Appendix III). The potential adverse effects associated with the proposed project are short term/minor and associated with project construction. These temporary minor adverse effects would be greatly offset by providing reliable flood protection to the area.

Based on coordination with applicable Federal, State resource agencies, and affected Tribes, as documented in this EA, the Corps has made a determination that this project would have no significant impacts on the human environment including natural and cultural resources, and would not affect Federally-listed threatened and endangered species or their designated critical habitat; therefore; a Finding of No Significant Impact (FONSI) has been prepared.

Section 15: PREPARER

This EA and the associated FONSI were prepared by the U.S. Army Corps of Engineers, Seattle District; PM-ER, 4735 East Marginal Way, Seattle, WA 98134.

Section 16: LITERATURE CITED

US Army Corps of Engineers Seattle District (Corps). 2012. Drummond Levee HTRW Environmental Review. March,2012. Unpublished. 7 pp.

Environmental Protection Agency (EPA). 2004. Clark Fork Record of Decision. US Environmental Protection Agency, April 17, 2004. 168 pp. *http://www.epa.gov/region8/superfund/mt/milltowncfr/cfr/Pt2Deci*sionSummary.pdf

Montana Bull Trout Restoration Team (MBTRT). 2000. Restoration Plan for Bull Trout in the Clark Fork River Basin and Kootenai River Basin Montana. Montana Department of Natural Resources and Conservation. June, 2000. 116 pp. http://fwp.mt.gov/fwpDoc.html?id=31386

USFWS (US Fish and Wildlife Service). 2009. Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Contiguous United States Distinct Population Segment of the Canada Lynx. Final rule. Federal Register 74(36):8616-8702.

USFWS (US Fish and Wildlife Service). 2010. Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for Bull Trout in the Coterminous United States. Final rule. Federal Register 75(200):63898-64070.

APPENDIX I

PROJECT MAPS & PRELIMINARY DESIGN DRAWINGS

PUBLIC LAW 84-99
DRUMMOND LEVEE REPAIR PROJECT
DRUMMOND, MONTANA

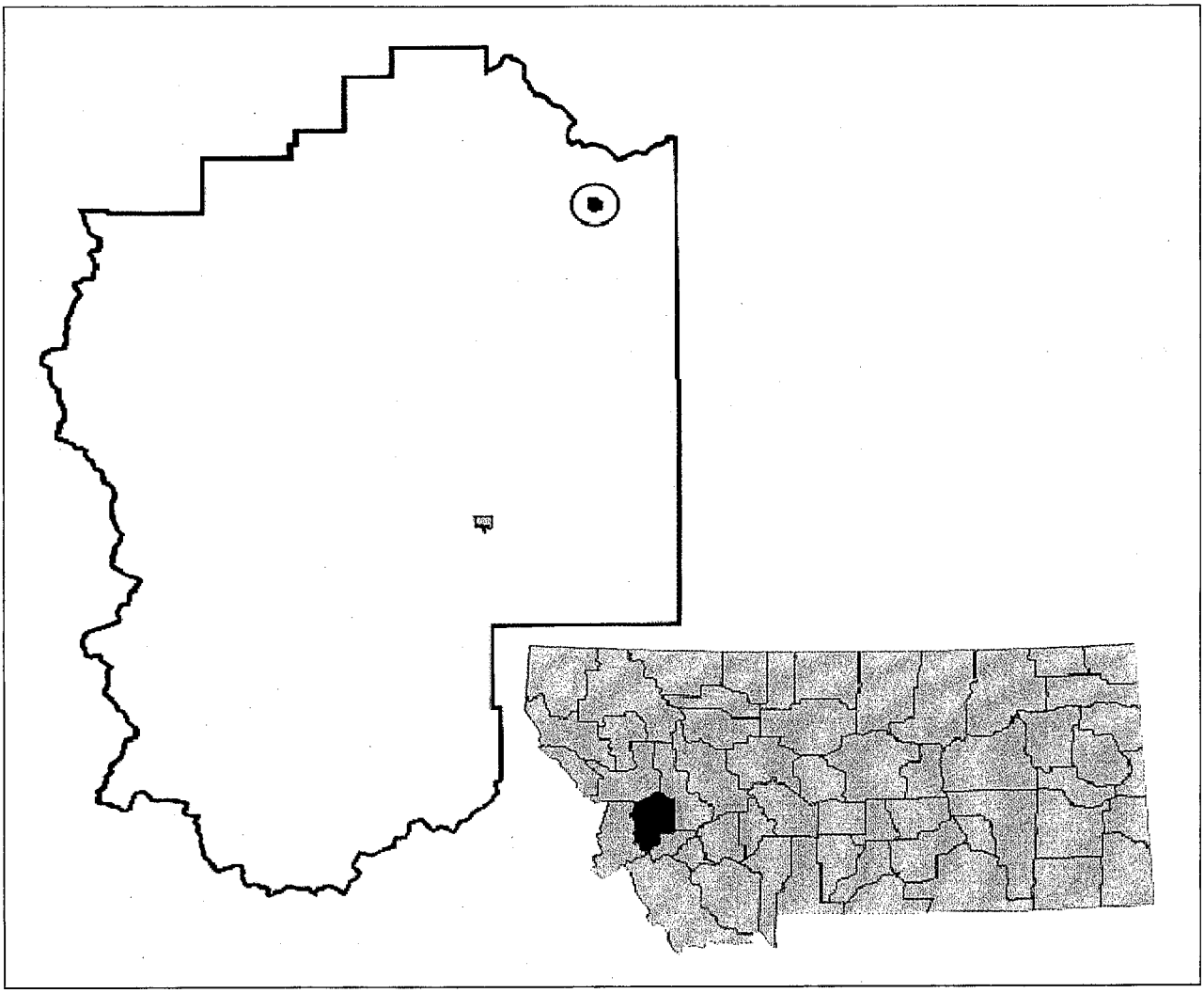

Exhibit 1. Drummond, Granite County, Montana

Exhibit 2. Drummond, Montana and Project Location

Exhibit 3. Drummond levee with flood damaged areas shown.

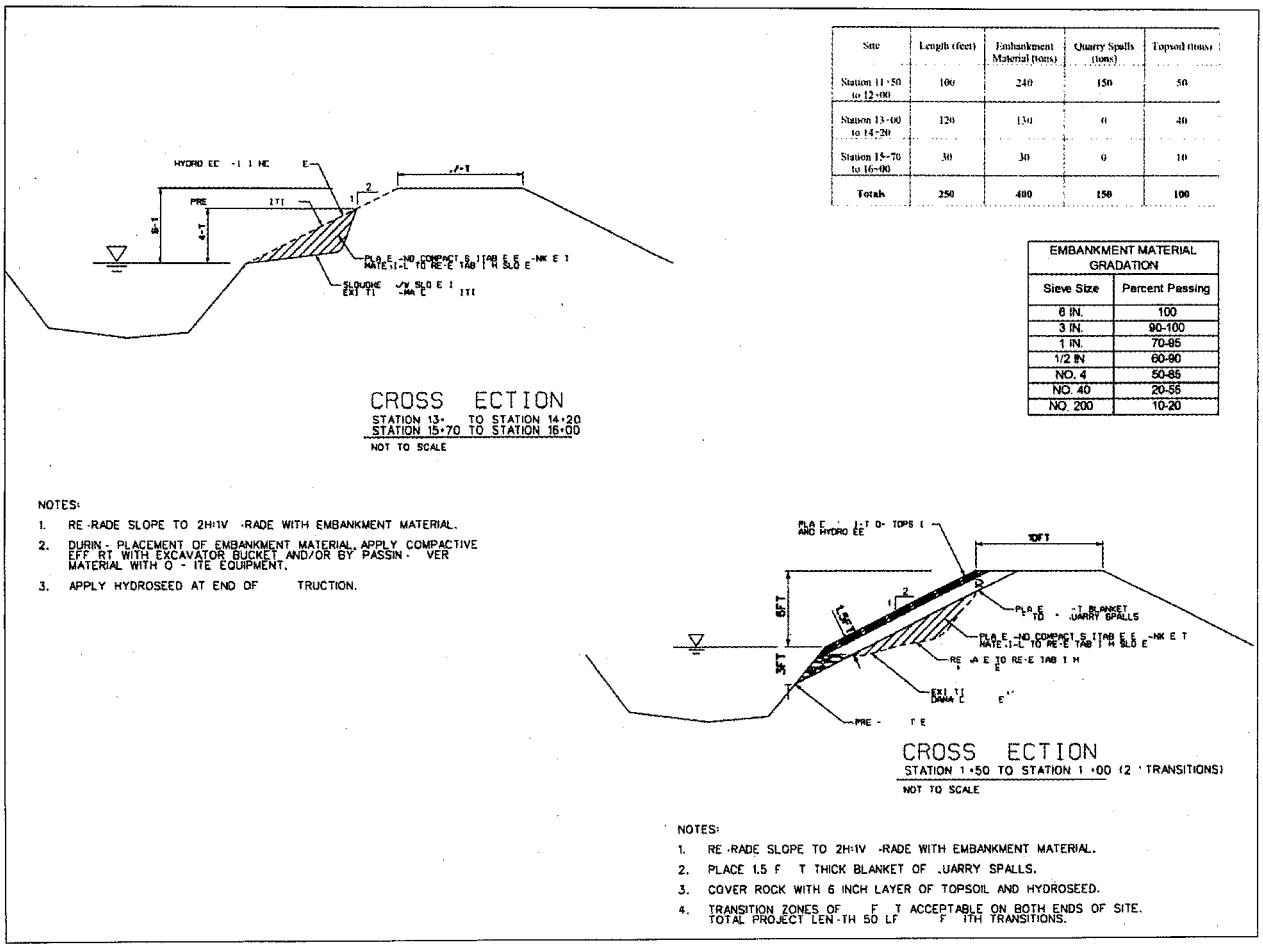

Exhibit 4. Proposed work at damaged sites 1 (upper left), and 2 (lower Right).

APPENDIX II

NEPA REVIEW

Compliance of Preferred Alternative with Environmental Protection Statutes and Other Environmental Requirements

PUBLIC LAW 84-99
DRUMMOND LEVEE REPAIR PROJECT
DRUMMOND, MONTANA

Compliance of Preferred Alternative with Environmental Protection Statutes and Other Environmental Requirements

Bald and Golden Eagle Protection Act, 16 U.S.C. Sec. 668, 668 note, 669a-668d. This Act prohibits the taking or possession of and commerce in bald and golden eagles, with limited exceptions for the scientific or exhibition purposes, for religious purposes of Indian tribes, or for the protection of wildlife, agriculture or preservation of the species. No take of eagles is anticipated. Montana Fish, Wildlife and Parks noted that there is a bald eagle nest approximately 0.6 miles SSE of the project site, but does not believe that this project would be an issue relative to that nest. The Corps has, and will continue, to coordinate with the USFWS and the appropriate state agency's to avoid taking the species during construction activities, and will follow the USFWS's guidelines regarding eagle nests.

Clean Air Act, as amended, 42 U.S.C. 185711-7. et seq. The purpose of this Act is to protect public health and welfare by the control of air pollution at its source. This EA analyzes effects on air quality from the two alternatives. Based on emission estimates from the use of one excavator and one dump truck for the one week project duration, effects would be minimal. The proposed project is exempted from the conformity requirements of the CAA because emissions are not expected to exceed *de minimus* levels.

Clean Water Act, as amended. (Federal Water Pollution Control Act) 33 U.S.C. 1251, et seq. The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 U.S.C. 1251). This act is the primary legislative vehicle for Federal water pollution control programs and the basic structure for regulating discharges of pollutants into waters of the United States. The CWA was established to "restore and maintain the chemical, physical, and biological integrity of the nation's waters." The CWA sets goals to eliminate discharges of pollutants into navigable waters, protect fish and wildlife, and prohibit the discharge of toxic pollutants in quantities that could adversely affect the environment.

The Corps does not issue permits for its own civil works activities. Nevertheless, the Corps complies substantively with Section 404. Under the Corps Regulatory Program, Nationwide Permit (NWP) 3 applies to the repair, rehabilitation, or replacement of a previously authorized structure. The Corps has concluded that this levee repair effects are functionally analogous to the effects of a repair to an authorized structure conducted in accordance with NWP 3, and that the water quality certification for NWP 3 applies to this project.

Rivers and Harbors Act, 33 U.S.C. 401, et seq. The Rivers and Harbors Act of 1899 regulates structures or work in or affecting navigable waters of the United States including discharges of dredged or fill material into waters of the United States. Structures include without limitation, any pier, boat dock, weir, revetment, artificial islands, piling, aid to navigation or any other obstacle or obstruction.

This action is not in a navigable waterway, and thus does not fall under Sec. 10, concerning construction in navigable waters.

Endangered Species Act, as amended. 16 U.S.C. 1531, et seq. Section 7 (16 U.S.C. 1536) states that all Federal agencies shall, in consultation with the Secretary of the Interior, ensure that any action authorized, funded, or otherwise carried out by them does not jeopardize the continued existence of any threatened or endangered species, or result in the destruction or adverse modification of critical habitat. The Corps has determined that no effects to listed species or critical habitat would occur as a result of the proposed project.

Environmental Justice (E.O. 12898). Federal agencies shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States. The project involves flood control and protection of all inhabitants and structures in the project area. It does not disproportionately impact minority or low-income populations.

Farmland Protection Policy Act, 7 U.S.C. 4201. Et seq. Farmland would not be adversely impacted by the proposed project. The project would protect farming and grazing lands within the project area from flood damage.

Federal Water Project Recreation Act, as amended, 16 U.S.C. 460-1(12), et.seq. In the planning of any Federal navigation, flood control, reclamation, or water resources project, the Federal Water Project Recreation Act, as amended (16 U.S.C. 460(l)(12) et seq.) requires that full consideration be given to the opportunities that the project affords for outdoor recreation and fish and wildlife enhancement. The Act requires planning with respect to development of recreation potential. Projects must be constructed, maintained, and operated in such a manner if recreational opportunities are consistent with the purpose of the project.

The proposed actions are not intended to provide recreational benefits. The EA addresses effects on fish and wildlife, and the preferred alternative is not likely to adversely affect threatened and endangered fish species, nor should it negatively impact other fish species.

Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) as amended. The Migratory Bird Treaty Act (MBTA) of 1918 is the domestic law that affirms, or implements, the United States' commitment to four international conventions with Canada, Japan, Mexico, and Russia for the protection of shared migratory bird resources. The MBTA governs the taking, killing, possessing, transporting, and importing of migratory birds, their eggs, parts, and nests. The take of all migratory birds is governed by the MBTA's regulation of taking migratory birds for educational, scientific, and recreational purposes and requiring harvest to be limited to levels that prevent over-utilization. Executive Order 13186 (2001) directs executive agencies to take certain actions to implement the Act. Minor construction related impacts to migratory birds may occur; however, there is sufficient habitat adjacent to the area. Prior to the removal of any trees, a survey would be conducted to ensure the trees are free of active nests. No significant impacts to migratory birds are expected.

National Historic Preservation Act, as amended, 16 U.S.C. 470a, et seq. Federal agencies having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking shall take into account the effect of the undertaking on any district, site, building, structure, or

object that is included in or eligible for inclusion in the National Register of Historic Places. No historic properties would be affected. Caution will be exercised during all phases of work in order to minimize any disturbance to deeply buried cultural resources. If any resources are found, work shall stop and SHPO will be contacted immediately.

National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4321, et seq. This Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) have been prepared for the proposed action. An Environmental Impact Statement (EIS) is not required.

Noise Control Act of 1972, 42 U.S.C. Sec. 4901 to 4918. This Act establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. Federal agencies are required to limit noise emissions to within compliance levels. Noise emission levels at the project site will temporarily increase above current levels due to construction; however, appropriate measures will be taken to keep the noise level within compliance levels (e.g., performing construction during daylight hours, avoiding idling of machinery when not in use, etc.). No long-term noise over existing conditions will result following project construction.

Wild and Scenic Rivers Act, as amended, 16 U.S.C. 1271, et seq. The area in which the proposed construction activity would occur is not designated as a wild or scenic river, nor is it on the National Inventory of Rivers potentially eligible for inclusion.

APPENDIX III

AGENCY CORRESPONDENCE AND COMMENTS RECIEVED

PUBLIC LAW 84-99
DRUMMOND LEVEE REPAIR PROJECT
DRUMMOND, MONTANA

20120409O3

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

RECEIVED
APR 09 2012
BY: SHPO

REPLY TO
ATTENTION OF

Environmental and Cultural Resources Branch

CONCUR
MONTANA SHPO
DATE 18 Apr 2012 SIGNED
APR 06 2012

JOSEF
DOD/COE
Drummond
Levee Repair

Mark Baumler, Ph.D.
Montana State Historic Preservation Officer
225 N. Roberts
P.O. Box 201201
Helena, MT 59620

Subject: Determination of No Historic Properties Affected for the Drummond Levee Repair, Drummond, Montana

Dear Dr. Baumler:

In cooperation with their local sponsor, the U.S. Army Corps of Engineers (Corps) and the Town of Drummond is planning to repair the Drummond Levee located along Morris Creek. Levee repairs will be constructed under the authority of Public Law 84-99 (33 USCA 701n).

This non-Federal flood control project is located on the left bank of Morris Creek near the Town of Drummond, Granite County, Montana. Specifically, the project is located in Sections 31 and 32, Township 11 North, Range 12 West. The levee is approximately 2,500 feet in length and protects residences and agricultural property in the Town of Drummond. The recommended alternative is the Repair In-Kind alternative. The recommended repair would re-establish the levee prism, re-grade the riverward slope along the damaged length, replace a damaged culvert, and place 50 linear feet of 4" to 8" quarry spalls to a vulnerable portion of the riverward levee slope. Repairs will return the Drummond Levee to its pre-flood level of protection. All work will occur in the previous horizontal and vertical construction limits.

Internal Corps documentation indicates that 1,900 linear feet (lf) of the Drummond levee was built in 1976 during levee repair work. In December, 2011 the Corps submitted a Records Search request and corresponded with Mr. Murdo of your office regarding this project. The Corps agrees with Mr. Murdo's opinion that there is a low likelihood that cultural properties would be impacted and that a cultural resource inventory is unwarranted at this time.

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
P.O. BOX 278
Pablo, Montana 59855
(406) 275-2700
FAX (406) 275-2806
www.cskt.org

A People of Vision

A Confederation of the Salish,
Pend d' Oreilles
and Kootenai Tribes

April 16, 2012

Kara Kanaby
Archaeologist
Environmental and Cultural Resources Branch
Seattle District, Corps of Engineers
P.O. Box 3755
Seattle, Washington 98124-3755

Re: Drummond Levee Repair Project

Dear Ms. Kanaby:

The Confederated Salish and Kootenai Tribes (CSKT) have reviewed the proposal to repair the Drummond Levee located along Morris Creek. This non-Federal flood control project is located on the left bank of Morris Creek near the Town of Drummond, Granite County, Montana. This project is located in Sections 31 and 32, Township 11 North., Range 12 West., P.M.M. The levee is approximately 2,500 feet in length and protects residences and agricultural property in the Town of Drummond.

Despite the lack of documented sites in the vicinity of the project area, the CSKT would like to remind the U.S. Army Corps of Engineers (Corps) and the Town of Drummond of the important connections that our tribes has with the landscape. Our trail corridors, harvesting and hunting areas, camp locations and other important cultural sites are embedded throughout the region. We would appreciate being notified if any new or additional information arises throughout the course of this project so that we may actively participate in the management of our cultural resources.

We appreciate the time and effort placed into the report provided to us. If you have any questions or concerns please feel free to contact Mike Durglo, Sr. mikeds@cskt.org or Francis Auld francisa@cskt.org at (406) 675-2700 ext. 1075.

Sincerely,

Joe Durglo
CSKT Council Chairman

Cc: Mike Durglo, Sr. & Francis Auld – CSKT Preservation Department

Montana Fish, Wildlife & Parks

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3101
Phone 406-542-5500
FAX 406-542-5529
April 26, 2012

Kevin McKeag, PM-ER
Planning & Project Management Division
Environmental & Cultural Resource Branch
US Army Corps of Engineers
PO Box 3755
Seattle, WA 98124-3755

Reference: Drummond Levee Rehabilitation Project--Notice of Preparation (of EA)/ Clean Water Act Public Notice (Granite County, MT; Sec 31 E2, T11N, R12W)

Dear Mr. McKeag:

Montana Fish, Wildlife and Parks (FWP) has reviewed the Notice for the proposed levee repairs on the Drummond levee, damaged during the 2011 spring/summer flooding on the Clark Fork River. We offer the following.

- FWP notes that the levee is also referred to as Morris Creek. If you need information on potential Montana Stream Protection Act (SPA 124) permitting, please contact our area fisheries biologist Brad Liermann (phone 406-825-5225 at Clinton, MT; bliermann@mt.gov.

- FWP's nongame wildlife biologist, Kristi DuBois (phone 406-542-5551 at Missoula, MT; kdubois@mt.gov) notes that there is a bald eagle nest approximately 0.6 miles SSE of the project site, but she does not believe there would be any problems for this project relative to that nest.

Thank you for providing the opportunity for FWP's input on this project.

Sincerely,

/s/ Michael Thompson for

Mack Long
Regional Supervisor

ML/sr